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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-209755

DATE: November 30, 1982

MATTER OF: Professional Cleaning Janitorial Services

DIGEST:

1. Submission of a bid that a competitor believes is unrealistically low does not provide a legal basis for precluding a contract award. Rejection of such a bid is proper only upon a finding of bidder nonresponsibility.
2. Failure to have a state or local license not expressly required by the solicitation does not require the rejection of a bid from a responsible concern.
3. There is no legal requirement that an agency advise prospective bidders how a solicitation's requirements differ from those in the prior year's contract. Rather, implicit in the bidder's responsibility for preparing and submitting a proper bid is the duty to examine carefully the solicitation documents that describe the requirement being procured.

Professional Cleaning Janitorial Services protests the Army's proposed award of a contract to Ragland Maintenance Service under solicitation No. DACA 41-83-Q-0006 for janitorial services for a recruiting office in Kansas City, Kansas. Professional Cleaning contends that Ragland's bid should be rejected because it is below cost and because Ragland is not properly licensed. We dismiss the protest on these bases. Professional Cleaning further maintains that the procurement was conducted improperly because no notice was issued indicating that the new solicitation included different specifications from the previous one. We summarily deny this portion of the protest.

We dismiss Professional Cleaning's protest that Ragland's bid is too low because the submission of a bid which a competitor believes to be unrealistically low or below cost does not constitute a legal basis to justify precluding the contract award. W.M. Grace, Inc., B-205537, February 1, 1982, 82-1 CPD 74. The rejection of a bid as unrealistically low would require a determination that the bidder is nonresponsible, that is, that it cannot perform at the bid price. Moreover, if the contracting officer determines that Ragland is responsible, we point out that we do not review such determinations unless there is a showing of fraud on the part of the procuring officials or an allegation that a definitive responsibility criterion (a specified indicator of experience or expertise) has not been applied. Acco Industries Inc., B-205881.2, February 3, 1982, 82-1 CPD 80.

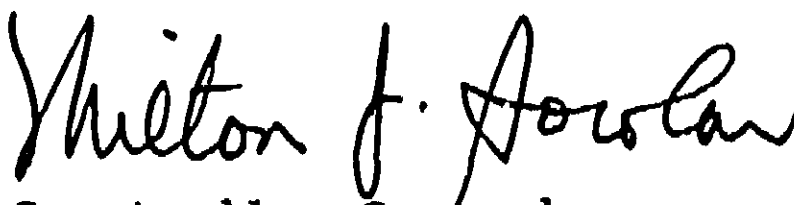
We also dismiss Professional Cleaning's contention that the award to Ragland would be improper because Ragland was not properly licensed to perform janitorial services in Kansas City. While a solicitation may require that a bidder obtain a particular license or permit as a prerequisite to award, National Office Moving Company; Keahey Moving and Storage, B-203304, B-203304.2, January 4, 1982, 82-1 CPD 4, the Army informally advises that this solicitation did not expressly require a Kansas City license. Lack of the license therefore does not preclude acceptance of the bid, but rather is a matter to be resolved between the state or local government and the contractor. Morris Moving & Storage, B-206726, June 15, 1982, 82-1 CPD 586. The only exception to this rule is that the procuring officer may make a determination of bidder nonresponsibility if state or local enforcement of the licensing requirement is likely and enforcement would delay or interrupt performance under the contract. Id. Should the contracting officer find Ragland responsible, however, we would not review the matter except as indicated above.

Professional Cleaning's final argument is that the activity improperly conducted the procurement because it did not issue a notice to bidders indicating that the new contract would be different from the previous one, which Professional Cleaning held. Presumably, the firm therefore computed its bid price based on the specifications in the prior contract rather than those in the current solicitation.

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We summarily deny the protest issue on this basis. There is no legal requirement that an agency advise prospective bidders how a solicitation's requirements differ from those in the prior year's contract. Rather, implicit in the bidder's responsibility for preparing and submitting a proper bid is the duty to examine carefully the solicitation documents that describe the requirement being procured. Pluribus Products, Inc., B-201553, May 21, 1981, 81-1 CPD 400. Professional Cleaning does not contend that the new requirements were hidden or buried within the new solicitation and it therefore must be assumed that the changes were obvious on the face of the document. The firm's total reliance on the previous contract specifications, instead of those expressly established for this competition, therefore establishes no basis to sustain the protest. See Remington Arms Company, Inc., B-206150, June 23, 1982, 82-1 CPD 619.

The protest is dismissed in part and summarily denied in part.

for 
Comptroller General
of the United States